



STATE OF NEW YORK  
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October 25, 2022

**BY ECF**

Hon. Philip M. Halpern  
United States District Court Judge  
United States District Court  
300 Quarropas Street  
White Plains, NY 10601-4150

Re: *Browne v. State of New York*, 21 Civ. 3985 (PMH)

Dear Judge Halpern:

This Office represents defendant New York State Department of Corrections and Community Supervision ("Defendant") in the above-referenced action. I write on behalf of all parties to respectfully request that discovery in this case be reopened, with a new cutoff of November 30, 2022, primarily to allow for expedited discovery concerning two recently discovered witnesses, one identified by Plaintiffs, Tasha Noble, and one identified by Defendant, Lt. Richard Flessa.

If the Court grants the parties' request to reopen discovery, Defendant also requests, with Plaintiff's consent, that the time for Defendant to file a letter requesting a pre-motion conference with respect to an anticipated motion for summary judgment be similarly extended from December 1, 2022, to January 3, 2023. This extension is necessary to allow the parties to comply with Your Honor's Individual Rules concerning the exchange of Rule 56.1 Statements, and because I have two trials scheduled to start on November 1, 2022 and December 6, 2022 in *Constant v. Dapcevic*, 16 Civ. 3985 (PMH) and *Smolen v. Harrison*, 17 Civ. 7494 (PMH) respectively. This is the first request to reopen discovery. We thank the Court for its attention to this matter.

Application granted.

Discovery shall be reopened and all discovery shall be completed by November 30, 2022. The parties are directed to file a proposed Fourth Amended Civil Case Discovery Plan and Scheduling Order reflecting the modified deadlines.

The time for Defendant to file a pre-motion conference letter for the anticipated motion for summary judgment is extended to January 3, 2023.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 37.

**SO ORDERED.**

Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
October 26, 2022

Respectfully submitted,

/s/ Amanda Yoon

Amanda Yoon

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cc: (Plaintiff's Counsel of Record)  
(via ECF)